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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/903,426	07/11/2001	Stephen L. Galbraith	043210-1395-00	8933

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EXAMINER

BREVARD, MAERENA W

ART UNIT	PAPER NUMBER
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3727

12

DATE MAILED: 04/06/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/903,426

Applicant(s)

GALBRAITH ET AL.

Examiner

Maerena W. Brevard

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-10,13,15,16,19,23,24,27-30,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 19,23,24, 27, and 28 is/are allowed.
- 6) ☒ Claim(s) 1,8-10,13,15,16,29,30,33 and 34 is/are rejected.
- 7) ☒ Claim(s) 2-6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claim 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Niemi et al. Niemi discloses a saddlebag comprising an injection-molded body (20), a gasket (44), a lid having a lip (46) movably mounted to the body (Column 3, lines 24-28), and the lid lip is manufactured separately from the rest of the lid, to the same degree claimed.

Claim Rejections - 35 USC § 103

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
4. Claims 1, 8-10, 29, 30, 33, and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaRochelle in view of Lanzani.

Regarding claims 1, 29, 30, 33, and 34, LaRochelle discloses a motorcycle saddlebag comprising a body (19), a lid (26), and a hinge assembly (27), but does not teach the hinge assembly completely enclosed within the cavity. However, Lanzani teaches a hinge assembly (5) completely enclosed within the cavity and including a first mounting member mounted to the inner surface of the body, a second mounting member mounted to the inner surface of the lid, a coupling assembly pivotally coupling the first and second mounting members, wherein the lid and body engage each other in a joining perimeter (Figure 5), and wherein the coupling assembly guides the lid through substantially vertical translatory motion (Figure 5 to Figure 4) and then pivots the lid about a substantially horizontal axis of rotation (Figure 4 to Figure 2). It would

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have been obvious to replace the hinge assembly of LaRochelle with the hinge assembly of Lanzani. Doing so would provide a hinge assembly capable of adjusting the positions of the lid.

Regarding claim 8, the lid and body each have a lip, to the same degree claimed.

Regarding claims 9 and 10, the coupling assembly includes a pivot axis (Figure 2) wherein the pivot axis is moved closer to the hinge assembly as the lid is moved toward the open position.

5. Claims 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi et al. in view of Lanzani.

Niemi discloses all of the limitations of claim 13 as disclosed in paragraph 3 above, but does not teach a hinge assembly configured to move the lid in a substantially translational manner away from the body. However, Lanzani teaches a hinge assembly configured to move the lid in a substantially translational manner away from the body (Figures 5 to 4). It would have been obvious to replace the hinge assembly of Niemi with the hinge assembly of Lanzani. Doing so would provide a hinge assembly capable of adjusting the positions of the lid.

Regarding claim 16, the hinge assembly has a pivot axis (Figure 2) and a mechanism for moving the axis during opening and closing.

Response to Arguments

6. Applicant's arguments filed 9/8/03 have been fully considered but they are not persuasive.

7. In response to applicant's argument that Lanzani is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order

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to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977

F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the hinge assembly of the electronic appliance of Lanzani is being relied upon, which is analogous with any other hinge assembly providing the same function.

8. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Maerena W. Brevard whose telephone number is 703/305-0037. The examiner can normally be reached on M-Th; 8:00 AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lee W. Young can be reached on 703/308-2572. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MB
Maerena Brevard
April 5, 2004

Lee Young
4/5/04
LEE YOUNG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700